

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 4/3/2012	(3) CONTACT/PHONE Stephanie Fuhs, Planner III / 805-781-5721	
(4) SUBJECT Hearing to consider a request by the County of San Luis Obispo to amend Sections 21.02.090 and 21.06.010(c) of the Real Property Division Ordinance (Title 21 of the San Luis Obispo County Code); and a request by the County of San Luis Obispo and the primary Shandon applicants of Fallingstar Homes, Inc. and the Peck Ranch Entities to consider the Shandon Community Plan Update.			
(5) RECOMMENDED ACTION That the Board of Supervisors: <ol style="list-style-type: none"> 1. Hold the public hearing on the amendments recommended for approval by the Planning Commission as set forth in the attached Exhibits and staff reports. 2. Consider the Planning Commission recommendation on the Title 21, Real Property Division Ordinance and take tentative action. 3. Consider the Planning Commission recommendation on the Shandon Community Plan Update and take tentative action 4. Take final action on all amendments by: <ol style="list-style-type: none"> a. Certifying the Final Environmental Impact Report (FEIR) pursuant to the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. based on the CEQA findings as attached; and b. Adopting and instructing the Chairperson to sign the attached resolution and ordinances that adopt the Shandon Community Plan and amendments to the Shandon-Carrizo Area Plan, Part II of the Land Use Element and Circulation Element of the General Plan; amendments to the Official Maps, Part III of the Land Use Element; and amendments to the Land Use Ordinance, Title 22 of the County Code, as shown in Exhibits LRP2003-0004 and G030013M: A, C, D, E and amendments to Title 21. 			
(6) FUNDING SOURCE(S) Department Budget and Application Fees	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation (Time Est. _____) <input checked="" type="checkbox"/> Hearing (Time Est. _165 minutes_) <input type="checkbox"/> Board Business			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A		(12) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(13) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(14) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
(15) LOCATION MAP No	(16) BUSINESS IMPACT STATEMENT? Yes	(17) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date _____	
(18) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown			
(19) SUPERVISOR DISTRICT(S) All Districts -			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Stephanie Fuhs, Planner III

VIA: Kami Griffin, Assistant Director, Department of Planning and Building

DATE: 4/3/2012

SUBJECT: Hearing to consider a request by the County of San Luis Obispo to amend Sections 21.02.090 and 21.06.010(c) of the Real Property Division Ordinance (Title 21 of the San Luis Obispo County Code); and a request by the County of San Luis Obispo and the primary Shandon applicants of Fallingstar Homes, Inc. and the Peck Ranch Entities to consider the Shandon Community Plan Update.

RECOMMENDATION

That the Board of Supervisors:

1. Hold the public hearing on the amendments recommended for approval by the Planning Commission as set forth in the attached Exhibits and staff reports.
2. Consider the Planning Commission recommendation on the Title 21, Real Property Division Ordinance and take tentative action.
3. Consider the Planning Commission recommendation on the Shandon Community Plan Update and take tentative action
4. Take final action on all amendments by:
 - a. Certifying the Final Environmental Impact Report (FEIR) pursuant to the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. based on the CEQA findings as attached; and
 - b. Adopting and instructing the Chairperson to sign the attached resolution and ordinances that adopt the Shandon Community Plan and amendments to the Shandon-Carrizo Area Plan, Part II of the Land Use Element and Circulation Element of the General Plan; amendments to the Official Maps, Part III of the Land Use Element; and amendments to the Land Use Ordinance, Title 22 of the County Code, as shown in Exhibits LRP2003-0004 and G030013M: A, C, D, E and amendments to Title 21.

DISCUSSION

At today's meeting, your Board will hold a public hearing on the following amendments recommended for approval by the Planning Commission and take tentative action.

1. The Planning Commission is transmitting the record of their meeting of February 23, 2012 to your Board for the attached proposed amendment to Title 21, the Real Property Division Ordinance, as follows:

A request by the County of San Luis Obispo to amend Sections 21.02.090 and 21.06.010(c) of the Real Property Division Ordinance (Title 21 of the San Luis Obispo County Code). The proposed amendments would modify the ordinance so that at the discretion of the Planning Director, any application for a project that may generate substantial public controversy or involve significant land use policy issues and for which review authority is granted to the Subdivision Review Board pursuant to the provisions of Titles 21, 22, and/or 23, may be referred to the Planning Commission for review and decision. In addition, the amendments also change the number of years a time extension can be granted from five years to six years.

County File Number: **LRP2010-00008**
Supervisory District: All

Assessor Parcel Number: N/A
Date Authorized: December 7, 2010

2. A request by the County of San Luis Obispo and the primary Shandon applicants of Fallingstar Homes, Inc. and the Peck Ranch Entities to consider the Shandon Community Plan Update and to: 1) amend and update the Shandon-Carrizo Area Plan, Part II of the Land Use Element of the County General Plan by establishing a new Shandon Community Plan for the area within and outside of the existing Shandon Urban Area, deleting existing language in the Shandon-Carrizo Area Plan pertaining to the Shandon Urban Area, revising portions of the Area Plan for the rural areas outside of the Shandon Urban Area, and making other related changes to the Area Plan; 2) amend Chapter 22.110 of the Land Use Ordinance, Title 22 of the County Code by revising and updating community planning standards, and 3) amend the Official Maps, Part III of the Land Use Element of the County General Plan to reflect changes to land use categories and combining designations. The update includes a number of changes to goals, policies, programs, land use categories, combining designations, and community planning standards. Chapter 5 of the Shandon Community Plan is proposed to become the Circulation Element for Shandon, thereby repealing all portions of the existing Circulation Element of the County General Plan pertaining to this area.

County File Numbers: **LRP 2003-00004 and G030013M**

Assessor Parcel Number: various
Supervisory District: 1

Accepted Date: September 21, 2004

Staff Comments – Item 1 – Title 21 (Real Property Division Ordinance Amendment)

This amendment was introduced and set for hearing on March 20, 2012.

The Planning Commission of the County of San Luis Obispo held a public hearing on February 23, 2012, to consider the proposed amendments to the Real Property Division Ordinance (Title 21 of the San Luis Obispo County Code). The Planning Commission recommended that your Board find that the amendment is exempt from the California Environmental Quality Act by General Rule and approve the Title 21 amendments.

The Planning Commission considered the above referenced matter and took the following action to recommend approval of the proposed amendment:

On the motion of Commissioner Irving, seconded by Commissioner Christianson, and carried unanimously, recommending to the Board of Supervisors approval of this Title 21 Amendment as shown in Exhibit LRP2010-00008:B.

Attachment A contains the Planning Commission record for this item.

Staff Comments – Item 2 – Shandon Community Plan Update

This item was continued from November 15, 2011. Attachment B of this report contains the staff report for the Shandon Community Plan Update.

Final Action

Final action on the above described amendments occurs through the adoption of the attached resolution and ordinances. Attachment C contains the resolution and ordinances for adoption.

OTHER AGENCY INVOLVEMENT/IMPACT

The amendments were referred to all applicable responsible agencies and were reviewed and recommended for approval by the Planning Commission.

In addition, County Counsel reviewed and approved the resolution and ordinances as to form and content.

BUSINESS IMPACT STATEMENT

Adopting the Shandon Community Plan Update could ultimately result in positive effects on businesses included within the clusters identified in the San Luis Obispo County Clusters of Opportunity Economic Strategy. The Shandon Community Plan includes implementation programs designed to attract businesses to Shandon. If successfully implemented, the Community Plan could provide opportunities for:

- Employment in specialized manufacturing, agricultural and other businesses appropriate for Shandon.
- New retail and service businesses
- Tourist-related businesses facilitated by community enhancements
- A greater amount and variety of housing for various income levels, facilitated by expanded public services and infrastructure

The Plan could negatively affect the Building Design and Construction and other clusters through increased costs to construct new homes and businesses. This could occur, as the Plan estimates developer fees and other costs that would be needed to fund key infrastructure improvements, public services, and water supply and conservation measures.

The proposed amendments to Title 21 have no impact on the clusters as identified in the San Luis Obispo County Clusters of Opportunity Economic Strategy.

FINANCIAL CONSIDERATIONS

Proposed General Plan amendments that are submitted by individual applicants are processed through an application fee deposit. Applicants have agreed to process a portion of the Shandon Community Plan amendments under a Real Time Billing Agreement which will allow for the recovery of the actual cost of processing.

County initiated amendments for a portion of the Shandon Community Plan and the amendments to Title 21 are processed using funds in the current Planning and Building department budget.

RESULTS

Final approval of the request will allow all the approved amendments to become effective 30 days after today's date (May 3, 2012). Denial of any of the amendments will mean that these changes do not become effective.

ATTACHMENTS

Attachment A - Planning Commission Record for Amendments to Title 21
 Planning Commission Letter
 Planning Commission Draft Minutes
 Planning Commission Staff Report

Attachment B - Staff Report - Shandon Community Plan

Attachment C - Resolution and Ordinances for adoption by the Board of Supervisors